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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,806	06/21/2001	Ignaz M. Gorischek	45242/AW/N276	6158
23363	7590	01/03/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			REKSTAD, ERICK J	
PO BOX 7068				
PASADENA, CA 91109-7068			ART UNIT	PAPER NUMBER

2613

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/886,806

**Applicant(s)**

GORISCHEK, IGNAZ M.

**Examiner**

Erick Rekstad

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a first action for application no. 09/886,806 filed on June 21, 2001 in which claims 1-23 are presented for examination.

#### ***Double Patenting***

Applicant is advised that should claim 2 be found allowable, claim 5 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 10, 13, 15, 16, 17, 19, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,940,120 to Frankhouse et al. in view of US Patent Application 09/759,148 (US20010031081) to Quan et al.

[claim 1]

As shown in Figures 6 and 7, Frankhouse teaches a vanity console display system (120). The system contains a mirror (132), an image display (90), and a video

image source (94). Frankhouse further teaches the use of a user controlled switch (76) for controlling the zooming of the video image source (94) (Col 5 Lines 1-58). As shown in Figure 10, Frankhouse teaches a control unit (76) connected to said video image source (94, Fig. 6) and configured to receive user input signals (Col 6 Lines 25-31). Frankhouse does not teach the use of a touch screen.

Quan teaches the use of a touch screen for selecting the location to zoom on a display (Paragraphs [0012]-[0013] and [0037]). It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the switch (76) of Frankhouse with the touch screen of Quan in order to allow the user to select the location to zoom on the display.

[claim 3]

Quan further teaches the storage of an image for later viewing (scanning) in order to see ones self with eyes closed or see ones face from the side (Paragraph [0039]-[0040]). It would have been obvious to combine the scanning method of Quan with the system of Frankhouse in order to provide images of the user with eyes closed or from the side.

[claim 10]

As shown in Figures 6 and 8, Frankhouse further teaches the use of an illumination device (160) mounted on the vanity console (Abstract, Col 5 Lines 18-22).

[claims 13, 15, 16, 17, 19, 20, 21 and 23]

As shown above for claim 1, Frankhouse teaches the vanity console.  
Frankhouse further teaches the use of a plurality of video image sources (94, 96 and

98) as shown in Figure 10 (Col 6 Lines 12-15). Frankhouse further teaches the use of a zoom control (76) for altering the video image signal as required by claims 15 and 23 (Col 6 Lines 25-31). Frankhouse further teaches the image display is located behind the mirror, providing for the user to view both the reflected image and the video image as required by claims 16, 17, 20 and 21 (Abstract, Col 5 Lines 1-35). As shown in Figure 8, Frankhouse further teaches the video image display (90) is positioned in a cavity in the vanity console housing (130) as required by claim 19 (Col 5 Lines 1-35).

Claims 2, 4, 5, 11, 14, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankhouse and Quan as applied to claim 1 above, and further in view of US Patent 5,956,181 to Lin.

[claims 2, 4, 5, 11, 14, 18 and 22]

As shown above, Frankhouse and Quan teach the vanity console of claims 1, 13, 17 and 21. Frankhouse further teaches the image display is a conventional monitor which receives NTSC signals from a camera (Col 5 Lines 33-35). Frankhouse and Quan do not teach the image source is a VCR or a DVD player. As shown in Figure 11, Lin teaches the use of a two way mirror and a commercially available video display connected to a variety of sources such as a VCR, cd-rom, and any other type of video and audio device (Col 3 Line 54-Col 4 Line 4). It would have been obvious to one of ordinary skill in the art that a DVD player is a type of video and audio device (Official Notice). It would have been obvious to one of ordinary skill in the art at the time of the invention to use a VCR or DVD player as a video source in the system of Frankhouse as taught by Lin because both Lin and Frankhouse use convention monitors.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankhouse and Quan as applied to claim 1 above, and further in view of US Patent 6,124,886 to Deline et al.

[claims 6 and 7]

As shown above, Frankhouse and Quan teach the vanity console of claim 1. Frankhouse and Quan do not teach the use of a printer. As shown in Figure 47, Deline teaches the use of a printer (509) comprised within the vanity system for printing receipts (Col 31 Lines 1-6). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the system of Frankhouse and Quan with the printer of Deline in order to print receipts. It would have been obvious to one of ordinary skill in the art at the time of the invention to print images, as this is a known task for a printer (Official Notice).

Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frankhouse and Quan as applied to claim 1 above, and further in view of US Patent Application 09/725,277 (US20020063855) to Williams.

[claims 8 and 9]

Frankhouse and Quan teach the vanity console of claim 1. Quan further teaches the image display is a laptop (Paragraph [0043], Fig. 3). Frankhouse and Quan do not teach the vanity console comprising a projector. As shown in Figures 7A and 7B, Williams teaches a portable projector means for use with a mobile computer or other devices which contain integral display screens in order to provide a viewable display

which is larger than the physical form factor of the device (Abstract, Paragraphs [0008] and [0030]).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frankhouse and Quan as applied to claim 1 above, and further in view of US Patent 4,067,535 to Rose.

[claim 12]

Frankhouse and Quan teach the vanity console of claim 1. As shown in Figure 2, Frankhouse teaches the vanity console containing a housing (22), a base (24) a support arm (38) (Col 3 Lines 38-44). Frankhouse and Quan do not teach the use of the vanity mirror on a counter. Rose teaches the vanity mirror of the prior art contains a frame, support arm and base for use on a table (Col 1 Lines 16-26, Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the vanity console of Frankhouse and Quan on a table as taught by Rose because it is well known in the prior art to use a vanity mirror on a table.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,633,289 to Lotens et al.

US Patent 6,690,268 to Schofield et al.

US Patent 5,854,850 to Linford et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 703-305-5543. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Erick Rekstad  
Examiner   
AU 2613  
(703) 305-5543  
[erick.rekstad@uspto.gov](mailto:erick.rekstad@uspto.gov)

  
CHRIS KELLEY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600